

OFFICIALPatent
226/132**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**

In re the Application of:

Robert C. Dixon**Serial No.: 08/876,775****Filed: June 16, 1997****For: THREE CELL WIRELESS
COMMUNICATION SYSTEM****Group Art Unit: 2733**

AUG 05 1998

Examiner: M. Banks Harold**Group 2700****Via Facsimile: 1-703-305-9508****Via: United States Postal Service****TERMINAL DISCLAIMER (CFR § 1.321(b))**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Omnipoint Corporation is the owner of all rights, title and interest in and to the above-identified application pursuant to an assignment assigned to Omnipoint Data Company, Inc., filed with the Patent and Trademark Office and recorded at Reel 5747, Frame 0080 for U.S. Serial No. 07/682,050, filed on April 8, 1991, attached hereto as Exhibit A. The present application is a continuation of U.S. Serial No. 08/410,901, filed March 27, 1995, which is a continuation of U.S. Serial No. 07/682,050.

On February 6, 1992, Omnipoint Data Company, Inc. filed a Certificate of Amendment with the Secretary of State of Delaware changing its corporate title to Omnipoint Corporation. A copy of the Certificate of Amendment is attached hereto as Exhibit B.

Applicant filed a Change of Name and Address with the Patent and Trademark Office on August 15, 1996 and recorded at Reel 8095, Frame 0429 for U.S. Serial No. 08/410,901. A copy of the Notice of Recordation and Assignment Document, a copy of the Recordation Form Cover Sheet,

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and a copy of the Change of Name and Address in Recorded Assignment are attached hereto as Exhibit C. As previously noted, the present application is a continuation of U.S. Serial No. 08/410,901.

The evidentiary documents have been reviewed, and, as of the signing of this Terminal Disclaimer, to the best of assignee's and the undersigned's knowledge and belief, Omnipoint Corporation still is the owner of all such rights, title and interest. Assignee Omnipoint Corporation, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of United States Patent No. 5,402,413, and hereby agrees that any patent so granted on this application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,402,413, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, Omnipoint Corporation does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I, James W. Geriak of the law firm of Lyon & Lyon^{LLP}, represent that I am an attorney of record for the above-identified patent application and am authorized to make this disclaimer on behalf of Omnipoint Corporation.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Attached is a check in the sum of \$110.00 to cover the fee for filing this Terminal Disclaimer. If any additional fee is required, the Commissioner is hereby authorized to charge to Deposit Account No. 12-2475. A duplicate of this disclaimer is attached.

LYON & LYON ^{LLP}

Dated: August 3, 1998

By: 
James W. Geriak
Reg. No. 20,233

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